



Department  
for Education

# **Improving the spiritual, moral, social and cultural (SMSC) development of pupils: supplementary information**

**Departmental advice for independent  
schools, academies and free schools**

**November 2014**

# Contents

|   |    |
|---|----|
| Summary   | 3  |
| About this departmental advice                  | 3  |
| Expiry or review date                           | 3  |
| Who is this advice for?                         | 3  |
| Key points                                      | 3  |
| Background                                      | 5  |
| Advice on individual parts of the SMSC standard | 6  |
| Fundamental British values                      | 6  |
| Standard 5(a)                                   | 6  |
| Principles are actively promoted                | 8  |
| Standard 5(b)                                   | 8  |
| Standard 5(b)(i)                                | 8  |
| Standard 5(b)(ii)                               | 8  |
| Standard 5(b)(iii)                              | 9  |
| Standard 5(b)(iv)                               | 9  |
| Standard 5(b)(v)                                | 9  |
| Standard 5(b)(vi)                               | 9  |
| Standard 5(b)(vii)                              | 10 |
| Political views                                 | 11 |
| Standard 5(c)                                   | 11 |
| Political issues                                | 11 |
| Standard 5(d)                                   | 11 |
| Further information                             | 12 |
| Enquiries                                       | 12 |
| Associated resources (external links)           | 12 |

# Summary

## About this departmental advice

This is advice from the Department for Education. It is non-statutory, and has been produced to help independent schools (including academies and free schools) understand their obligations under the standard for the spiritual, moral, social and cultural (SMSC) development of pupils contained in Part 2, Schedule 1 of the Education (Independent School Standards) (England) [Regulations 2010](#). It is supplementary to and should be read alongside the [departmental advice published on 30 November 2013](#).

The standard has been amended by the Education (Independent School Standards) (England) (Amendment) [Regulations 2014](#) to strengthen the requirements on schools in relation to fundamental British values, with effect from 29 September 2014. The changes mean that, rather than encouraging 'respect' for the values, independent school proprietors are now required to 'actively promote' them. Schools are also now required to ensure that the principles set out in paragraph 5(b) of the standard are 'actively' promoted. The implications of this change and other, more specific, changes to the standard, are explained in this advice. Schools will be measured on their performance in these areas under the independent schools inspection framework of the relevant inspectorate.

## Expiry or review date

This advice is valid until amended or withdrawn.

## Who is this advice for?

This advice is primarily for:

- the proprietors of independent schools, directors and governors of academy and free school trusts; and
- headteachers or other staff of those schools who are responsible for curriculum matters, teaching, behaviour and the school's ethos.

## Key points

The key points of this advice are:

- to make clear how the independent school standard relating to SMSC has been amended with effect from 29 September 2014;
- to explain the purpose of those amendments;
- to identify the aim of the revised parts of the standard.

## Background

1. Independent schools (including academies and free schools) must meet the SMSC standard that is set out in Part 2 of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2010, as amended.
2. A commitment to make changes to strengthen the SMSC standard was included in the [government's Prevent Strategy](#). Some changes were made by the Education (Independent School Standards) (England) (Amendment) [Regulations 2012](#) that were introduced on 1 January 2013. The latest changes further reinforce this commitment by requiring independent school proprietors to actively promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.
3. This advice should not be read as guidance on how to pass an inspection. Ofsted and the three independent inspectorates publish their inspection frameworks, which set out how schools are assessed against the standards, and schools may wish to refer to these documents and the associated resources which explain what inspectors look for in assessing compliance with this standard. Instead, this advice is intended to help schools understand the revisions to the SMSC standard and to give examples of ways in which schools can continue to meet the standard. The advice concentrates on new and revised parts of the standard.
4. Aspects of SMSC can be developed through virtually all parts of the curriculum and infused within the day to day operation of a school, e.g. in its behaviours and ethos, although some subjects and activities are likely to be more relevant than others. Expectations in all areas must be adjusted for the age and ability of pupils, including those with special needs.

# Advice on individual parts of the SMSC standard

## Fundamental British values

### Standard 5(a)

[the proprietor] actively promotes the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs

**This section replaces paragraphs 12–14 in the November 2013 advice**

5. The September 2014 revision to the regulations strengthens this standard by moving from a requirement for schools to ensure that principles are promoted which encourage pupils to ‘respect’ the fundamental British values, to a requirement to ensure that the proprietor ‘actively promote’ the values. Schools should have a clear strategy for embedding fundamental British values, and be able to show how their work with pupils is effective in doing so. Actively promoting the values also means challenging opinions or behaviours in school that are contrary to fundamental British values. Promoting views that undermine the fundamental British values would be at odds with this standard.
6. Independent schools will be assessed against this new standard, under the independent schools inspection framework. Academies and free schools are also required to meet the standard. The changes to this standard are also reflected in updated guidance to maintained schools and Ofsted will have it in mind when inspecting maintained schools, academies and free schools. This means that there is now a sector wide requirement for individual schools to promote fundamental British values actively.
7. The list below describes the understanding and knowledge expected of pupils as a result of schools meeting this part of the standard:
  - An understanding of how citizens can influence decision-making through the democratic process;
  - An appreciation that living under the rule of law protects individual citizens and is essential for their wellbeing and safety;

- An understanding that there is a separation of power between the executive and the judiciary, and that while some public bodies such as the police and the army can be held to account through Parliament, others such as the courts maintain independence;
  - An understanding that the freedom to hold other faiths and beliefs is protected in law;
  - An acceptance that people having different faiths or beliefs to oneself (or having none) should be accepted and tolerated, and should not be the cause of prejudicial or discriminatory behaviour; and
  - An understanding of the importance of identifying and combatting discrimination.
8. It is not necessary for schools or individuals to 'promote' teachings, beliefs or opinions that conflict with their own, but nor is it acceptable for schools to promote discrimination against people or groups on the basis of their belief, opinion or background.
9. The following is not designed to be exhaustive, but provides a list of different actions that schools can take, such as:
- include in suitable parts of the curriculum, as appropriate for the age of pupils, material on the strengths, advantages and disadvantages of democracy, and how democracy and the law works in Britain, in contrast to other forms of government in other countries;
  - ensure that all pupils within the school have a voice that is listened to, and demonstrate how democracy works by actively promoting democratic processes such as a school council whose members are voted for by the pupils;
  - use opportunities such as general or local elections to hold mock elections to promote fundamental British values and provide pupils with the opportunity to learn how to argue and defend points of view;
  - use teaching resources from a wide variety of sources to help pupils understand a range of faiths; and
  - consider the role of extra-curricular activity, including any run directly by pupils, in promoting fundamental British values.

## Principles are actively promoted

### Standard 5(b)

[the proprietor] ensures that principles are actively promoted which –

- i. enable pupils to develop their self-knowledge, self-esteem and self-confidence;
- ii. enable pupils to distinguish right from wrong and to respect the civil and criminal law of England;
- iii. encourage pupils to accept responsibility for their behaviour, show initiative and understand how they can contribute positively to the lives of those living and working in the locality in which the school is situated and to society more widely;
- iv. enable pupils to acquire a broad general knowledge of and respect for public institutions and services in England;
- v. further tolerance and harmony between different cultural traditions by enabling pupils to acquire an appreciation of and respect for their own and other cultures;
- vi. encourage respect for other people, paying particular regard to the protected characteristics set out in the Equality Act 2010; and
- vii. encourage respect for democracy and support for participation in the democratic processes, including respect for the basis on which the law is made and applied in England

10. The September 2014 revision strengthens this part of the standard by moving from a requirement for schools to ensure that principles are promoted to a requirement to ensure the principles are ‘actively’ promoted.

### Standard 5(b)(i)

11. This has not been changed by the September 2014 revision. See paragraph 5 in the November 2013 advice.

### Standard 5(b)(ii)

**This section replaces paragraphs 6–7 in the November 2013 guidance.**

12. This part of the standard has been strengthened by the September 2014 revision so that instead of just referring to respect for civil and criminal law, it now refers expressly to the laws of England. The intention is to ensure pupils support the rule of English civil and criminal law. This is not incompatible with encouraging pupils to respect religious law if the school’s ethos is faith-based; the school should not



avoid discussion, of an age-appropriate nature, of potential conflicts between state law and religious law, and the implications for an individual living in England.

13. It is expected that pupils should understand that while different people may hold different views about what is 'right' and 'wrong', all people living in England are subject to its law. The school's ethos and teaching, which schools should make parents aware of, should support the rule of English civil and criminal law and schools should not teach anything that undermines it. If schools teach about religious law, particular care should be taken to explore the relationship between state and religious law. Pupils should be made aware of the difference between the law of the land and religious law.

### **Standard 5(b)(iii)**

14. This part of the standard has not been changed in the September 2014 revision. See paragraphs 8–9 in the November 2013 advice.

### **Standard 5(b)(iv)**

15. This part of the standard has been strengthened in the September 2014 revision to ensure that children grow up knowing not only how public institutions and services operate, but also to respect them and their importance in a modern, civilised society. See also paragraph 10 in the November 2013 advice.

### **Standard 5(b)(v)**

16. This part of the standard has been reworded in the September 2014 revision, so as to place the emphasis on the school furthering tolerance and harmony between different cultural traditions. See also paragraph 11 in the November 2013 advice.
17. Pupils must be encouraged to regard people of all faiths, races and cultures with respect and tolerance.

### **Standard 5(b)(vi)**

18. This is a new part of the standard introduced by the September 2014 revision. All schools are already required to comply with the Equality Act 2010. However, if a school did not follow the requirements of the Equality Act, the only recourse was for an individual to seek a judgement against the school in the appropriate court or

tribunal. By including this requirement in the standard the Secretary of State has the power to take regulatory action where a school is in breach of its requirements. There is absolutely no change to the duties that any school has under the Equality Act – this change is purely one of enforcement. This change does not extend equality requirements, nor does it discriminate against any religion or undermine religious freedoms. The standard does not mean, for example, that schools must promote alternative lifestyles or same sex marriage. Rather, it requires respect for other people, even if they choose to follow a lifestyle that one would not choose to follow oneself.

19. Academies and free schools, but not independent schools, are also subject to the more general public sector equality duty (s.149 of the Equality Act 2010) which requires them to have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under that Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

### **Standard 5(b)(vii)**

20. This is a new part of the standard introduced by the September 2014 revision. It has a connection with paragraph 5(a), relating to fundamental British values, which refers to democracy as a concept. Paragraph 5(b)(vii) expands on this. To meet this standard schools should be actively encouraging pupils to:

- understand why democracy is perceived within England as the fairest form of political organisation;
- understand why, taking part in democracy is a good thing; and
- understand why law making on the basis of representation in Parliament is seen as better than alternatives.

## Political views

### Standard 5(c)

[the proprietor] precludes the promotion of partisan political views in the teaching of any subject in the school

21. The September 2014 revision does not change the wording of this part of the standard. See paragraphs 15–21 of the November 2013 advice.

## Political issues

### Standard 5(d)

[the proprietor] takes such steps as are reasonably practicable to ensure that where political issues are brought to the attention of pupils –

- i. while they are in attendance at the school;
- ii. while they are taking part in extra-curricular activities which are provided or organised by or on behalf of the school; or
- iii. in the promotion at the school, including through the distribution of promotional material, of extra-curricular activities taking place at the school or elsewhere they are offered a balanced presentation of opposing views

22. The September 2014 revision does not change the wording of this part of the standard. See paragraphs 22–24 of the November 2013 advice.

## Further information

### Enquiries

Any enquiries about this advice, or issues raised by it, should be sent to:

[registration.enquiries@education.gsi.gov.uk](mailto:registration.enquiries@education.gsi.gov.uk)

### Associated resources (external links)

- [www.gov.uk/government/publications/prevent-strategy-2011](http://www.gov.uk/government/publications/prevent-strategy-2011)
- [www.gov.uk/government/publications/teachers-standards](http://www.gov.uk/government/publications/teachers-standards)
- [www.gov.uk/government/publications/improving-the-sm-sc-development-of-pupils-in-independent-schools](http://www.gov.uk/government/publications/improving-the-sm-sc-development-of-pupils-in-independent-schools)
- [www.legislation.gov.uk/uk-si/2010/Independent-School-Standards](http://www.legislation.gov.uk/uk-si/2010/Independent-School-Standards)
- [www.legislation.gov.uk/uk-si/2012/Independent-School-Standards](http://www.legislation.gov.uk/uk-si/2012/Independent-School-Standards)
- [www.legislation.gov.uk/uk-si/2014/Independent-School-Standards](http://www.legislation.gov.uk/uk-si/2014/Independent-School-Standards)



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Reference: DFE-00670-2014



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